IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2396 of 1994

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RAMESHBHAI BHAGWANDAS

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 2396 of 1994

MR AN PATEL for Petitioner No. 1

NOTICE SERVED for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 07/04/2004

ORAL JUDGEMENT

The petitioner is a Partner of Rameshkumar Ranchhoddas & Co., Market Yard, Mehsana. The

petitioner's premises was inspected on 16th August 1991 and the respondent authorities seized certain commodities of the petitioner on the ground that certain serious irregularities were committed by the petitioner in maintaining the stock of oil-seeds (Raida) and not maintained proper registers and account books and commission of certain breach of rules under the provisions of the Gujarat Essential Commodities Act. The petitioner was served with the notice by the Collector, Mehsana on 27th August 1991 and after hearing the petitioner, the Collector, Mehsana, by his order dated 4th December 1991, passed the order confiscating 50% of the oil-seeds (Raida).

2. Against the above order, the petitioner preferred Revision Application No. 100 of 1992 before the Deputy Secretary, Govt. of Gujarat, Gandhinagar, which came to be dismissed by order dated 5th January 1994.

3. Learned Advocate Mr.Patel for the petitioner has submitted that the allegations levelled against the petitioner are of technical nature and are not of serious nature and the order passed by the authority is disproportionate to the allegations levelled against the petitioner. Mr.Patel has strongly relied upon the judgment of this Court, in the case of Patel Ambaram Kuberbhai v. State of Gujarat and ors., reported in 1998 (2) GLH 533 and has submitted that he should be given the benefit of the said Division Bench judgment.

4. In my view, the allegations levelled against the petitioner are of very serious nature and are not of technical nature and therefore, the petitioner is not entitled to get the benefit of the ratio laid down by this Court in the above referred judgment. Apart from that, there are serious irregularities committed by the petitioner and the view taken by both the authorities is just and proper and no interference is called for. Therefore, the petition is dismissed. Rule is discharged. No order as to costs.

(K.S. Jhaveri, J.)
Sreeram.